

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

JOHN TURNAGE,

Petitioner,

v.

ORDER

MATTHEW MARSKE,

18-cv-1035-jdp

Respondent.

John Turnage filed a petition for writ of habeas corpus under 28 U.S.C. § 2241, challenging his 30-year career-offender sentence for drug possession under *United States v. Mathis*, 136 S. Ct. 2243 (2016). When Turnage filed the petition, he was incarcerated at the Federal Correctional Institution in Oxford, Wisconsin. I screened the petition and issued an order to show cause, Dkt. 3, but the order was returned to this court as undeliverable, Dkt. 8. Respondent Matthew Marske then filed a motion to dismiss, Dkt. 9, in which he explained that Turnage had been granted relief under § 404 of the First Step Act of 2018. He was released from prison on July 19, 2019. Marske asked that I dismiss the petition, as Turnage has now received all the sentencing relief he could possibly obtain, rendering his habeas petition moot. The clerk's office sent Turnage a briefing schedule on Marske's motion at Turnage's last known address, but that too was returned as undeliverable. Dkt. 11.

It is Turnage's responsibility to advise the court of any change to his contact information. By failing to provide a valid address, Turnage has abandoned his petition. And in any event, Turnage's petition has likely been mooted by his release from prison.

I will therefore grant Marske's motion to dismiss, Dkt. 9, and dismiss Turnage's petition without prejudice for failure to prosecute. *See* Fed. R. Civ. P. 41(b); *Link v. Wabash R. Co.*, 370 U.S. 626, 630–31 (1962).

ORDER

IT IS ORDERED THAT respondent Matthew Marske's motion to dismiss, Dkt. 9, is GRANTED. Petitioner John Turnage's petition for a writ of habeas corpus, Dkt. 1, is DISMISSED without prejudice.

Entered October 30, 2019.

BY THE COURT:

/s/

JAMES D. PETERSON
District Judge